

The Arizona Commission on Access to Justice: A Progress Report

Hon. Lawrence F. Winthrop*

“Equal justice under law is not merely a caption on the façade of the Supreme Court building. It is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists.”¹

–Justice Lewis Powell

“Can there be justice if it is not equal? Can there be a just society when some do not have justice? Equality, equal treatment is perhaps the most fundamental element of justice.”²

–Justice Antonin Scalia

“Trust in the rule of law—the foundation of American democracy—depends upon the public’s faith that government seeks equal justice for all. . . . But without equal access to justice, the promise of equal justice under law rings hollow.”³

–Merrick Garland, U.S. Attorney General

I. INTRODUCTION

Noting the increasing poverty population, updated legal needs studies, the rising cost of civil legal services, static federal and state funding for civil legal aid, and the rising trend of self-represented litigants (SRLs) in state courts, the Joint Conference of Chief Justices and State Court Administrators

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1. Justice Lewis F. Powell, Legal Services Revisited, Address at the American Bar Association Annual Meeting 2 (Aug. 10, 1976), <https://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1010&context=powellspeeches> [<https://perma.cc/U4WW-TE33>].

2. Justice Antonin Scalia, Address at the Legal Services Corporation 40th Anniversary Conference (Sept. 15, 2014).

3. Memorandum from Merrick Garland, Att’y Gen., to Dep’t of Just. Leadership 1 (May 18, 2021), <https://www.aila.org/infonet/doj-access-justice> [<https://perma.cc/X5JZ-FZEM>].

encouraged the creation of access to justice commissions or equivalent entities in each state and U.S. territory.⁴ In Arizona, following completion of an updated legal needs study and various regional community forums throughout the state, Chief Justice Scott Bales in 2014 created the Arizona Commission on Access to Justice (ACAJ).⁵

The initial charge of the commission was three-fold: (a) assisting SRLs and revising court rules and practices to facilitate access and the efficient processing of family court and eviction cases; (b) encouraging lawyers and law firms to provide pro bono services for those who cannot afford counsel and/or financial support for civil legal aid; and (c) educating the public about the availability of the state income tax credit for contributions to entities that serve the working poor, including those that provide free legal services.⁶ These goals were reinforced in the Arizona Supreme Court's 2014–2019 Strategic Agenda, *Advancing Justice Together*.⁷

4. See, e.g., *Resolution 23, Leadership to Promote Equal Justice*, CONF. OF CHIEF JUSTS. (Jan. 25, 2001), https://ccj.ncsc.org/_data/assets/pdf_file/0023/23477/01252001-leadership-to-promote-equal-justice.pdf [<https://perma.cc/LP3J-XYLR>] (encouraging members in their respective states to establish partnerships with state and local bar associations, legal service providers, and others to remove impediments to access to the justice system, develop viable and effective plans to establish or increase public funding and support for civil legal services for those who have no meaningful access to the justice system, and expand the types of assistance available to self-represented litigants, including exploring the role of non-attorneys); *Resolution 2, In Support of Efforts to Increase Access to Justice*, CONF. OF CHIEF JUSTS. (July 30, 2008), https://ccj.ncsc.org/_data/assets/pdf_file/0018/23544/07302008-in-support-of-efforts-to-increase-access-to-justice.pdf [<https://perma.cc/4JCX-T9PB>] (urging members in each state to take steps to ensure that no citizen is denied access to the justice system by reason of lack of resources, or any other barrier, and to take a leadership role in their respective jurisdictions to prevent denials of access to justice); *Resolution 8, In Support of Access to Justice Commissions*, CONF. OF CHIEF JUSTS. (July 28, 2010), https://ccj.ncsc.org/_data/assets/pdf_file/0033/63789/Resolution-8-Access-to-Justice-Commissions.pdf [<https://perma.cc/7NP8-DYBP>] (encouraging every state and territory to have an active access to justice commission or comparable body); *Resolution 5, Reaffirming the Commitment to Meaningful Access to Justice for All*, CONF. OF CHIEF JUSTS. (July 25, 2015), https://ccj.ncsc.org/_data/assets/pdf_file/0013/23602/07252015-reaffirming-commitment-meaningful-access-to-justice-for-all.pdf [<https://perma.cc/PT99-NK5S>] (adopting an aspirational goal of 100% access to effective assistance for essential civil legal needs, urging their members to provide leadership in achieving that goal and to work with their Access to Justice Commission or other such entities to develop a strategic plan with realistic and measurable outcomes, urging the National Center for State Courts to develop tools and provide assistance to states in achieving such goal).

5. Administrative Order No. 2014-83, *Establishing the Arizona Commission on Access to Justice 2* (Aug. 20, 2014), <https://www.azcourts.gov/Portals/22/admorder/Orders14/2014-83.pdf> [<https://perma.cc/YHC4-BMRS>].

6. *Id.*

7. See ARIZ. SUP. CT., *ADVANCING JUSTICE TOGETHER: COURTS AND COMMUNITIES 2014–2019*, at 2 (2014), <https://www.azcourts.gov/portals/0/AdvancingJusticeTogetherSA.pdf> [<https://perma.cc/3V3S-JUDE>].

Since its inception, the ACAJ has worked in collaboration with a wide spectrum of legal, judicial and community partners across the state to meet the expanding needs of Arizonans seeking to participate in our civil justice system. Those partners have included: judicial officers and staff in the limited and general jurisdiction courts throughout the state; the State Bar of Arizona; the business and legal communities; non-profit community organizations; the Arizona Bar Foundation; and the Executive Branch, including the Governor's Office and the Secretary of State.⁸ With approval by the Court and the Arizona Judicial Council, the Commission has expanded Justice Bales' original charge, particularly in response to evolving civil legal issues and to take advantage of developing technology.⁹

II. COLLABORATIVE WORK TO DATE DESIGNED TO ENHANCE SRL ACCESS TO AND PARTICIPATION IN THE JUDICIAL SYSTEM

A. Reform Court Processes

1. Simplified Court Forms and Instructions

Many standardized forms must, of necessity, contain language that tracks or is mandated by statute. As such, modifying such forms is difficult. However, Pima County Judge Dean Christoffel worked with the University of Arizona English Department to create simplified, easy-to-understand instructions paired with existing family and probate court forms.¹⁰ The Administrative Office of the Courts' Self Service Center website has a *Forms* page that directs the user to a directory of state- and county-specific court forms arranged by the nature of the civil dispute at issue.¹¹ This website, as

8. *ACAJ Resources*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cscommittees/Arizona-Commission-on-Access-to-Justice/ACAJ-Resources> [<https://perma.cc/Q98Z-KWEL>] (providing annual committee reports, in which the ACAJ discusses its collaborative efforts with a variety of entities across Arizona).

9. *See* ARIZ. SUP. CT., 2019–2024 JUSTICE FOR THE FUTURE: PLANNING FOR EXCELLENCE 2–3 (2019), <https://www.azcourts.gov/Portals/0/Communications/JusticeForTheFuture.pdf?ver=2019-06-28-165330-887> [<https://perma.cc/E6W4-GMDD>].

10. Kim Smith, *Pima County Superior Court Project Aims To Strip Documents of Obscure Language, Jargon*, ARIZ. DAILY STAR (Sept. 5, 2014), https://tucson.com/news/local/govt-and-politics/pima-county-superior-court-project-aims-to-strip-documents-of-obscure-language-jargon/article_8cd70a40-5b87-5f05-a912-18f1478b09e9.html [<https://perma.cc/6HNN-T3DD>].

11. *See Forms*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/selfservicecenter/Forms> [<https://perma.cc/Y7JQ-4G6K>].

well as *AZCourtHelp.org*,¹² also contains instructional videos to assist the SRL in understanding the issues and completing and filing the appropriate forms.

2. Court Navigator Programs

In well over 80% of the family court cases in Arizona, one or both of the litigants is self-represented.¹³ Other types of civil cases such as eviction, probate, and debt collection matters experience similar—if not higher—SRL percentages.¹⁴ In these often emotionally-charged settings, litigants are challenged to understand legal terminology, find and complete the right court forms, find their assigned courtroom, and understand what is expected of them at their next hearing. Utilizing some funding provided by AmeriCorps, Maricopa County Superior Court established a court navigator program that, pre-pandemic, was assisting over 100,000 Arizonans each year.¹⁵ A similar

12. See *Video Tutorials*, AZCOURTHELP (last visited Nov. 3, 2021), <https://azcourthelp.org/home/az-forms> [<https://perma.cc/S5WF-NK BX>].

13. MARICOPA CNTY. SUPERIOR CT. FAM. CT. DEP'T., PLAN OF IMPROVEMENT PROGRESS REPORT 2 (2006), <http://www.superiorcourt.maricopa.gov/SuperiorCourt/FamilyCourt/docs/FinalProgressReport.pdf> [<https://perma.cc/BQP7-7764>].

14. See, e.g., REBECCA WHITE BERCH, TASK FORCE ON THE ARIZ. RULES OF PROB. PROC., PETITION TO AMEND THE ARIZONA RULES OF PROBATE PROCEDURE 4 (2019), <https://www.azcourts.gov/Rules-Forum/aft/925> [<https://perma.cc/Z638-8BFH>]; INNOVATION FOR JUST., UNIV. OF ARIZ. JAMES E. ROGERS COLL. OF L., EVICTION IN PIMA COUNTY: A REPORT FROM THE INNOVATION FOR JUSTICE PROGRAM 4 (2018), <https://law.arizona.edu/sites/default/files/i4j-eviction-report%20for%20digital%20distribution%20March%202020.pdf> [<https://perma.cc/GH6Z-MUPV>] (stating that “90% of tenants [in eviction matters] appear in court without legal representation. . . .”); WILLIAM E. MORRIS INST. FOR JUST., WHAT’S JUSTICE GOT TO DO WITH IT? THE EXPERIENCE OF TENANTS IN THE MARICOPA COUNTY JUSTICE COURTS 5 (2020), <https://www.morrisinstituteforjustice.org/helpful-information/landlord-and-tenant/47-institute-maricopa-county-justice-courts-eviction-report-5-21-2020/file> [<https://perma.cc/6ST5-DTT7>]; PEW CHARITABLE TRS., HOW DEBT COLLECTORS ARE TRANSFORMING THE BUSINESS OF STATE COURTS 2 (2020), <https://www.pewtrusts.org/-/media/assets/2020/06/debt-collectors-to-consumers.pdf> [<https://perma.cc/ZGT6-TZQJ>] (explaining that “[r]esearch on debt collection lawsuits from 2010 to 2019 has shown that less than 10 percent of defendants have counsel, compared with nearly all plaintiffs.”); HUMAN RIGHTS WATCH, RUBBER STAMP JUSTICE: US COURTS, DEBT BUYING CORPORATIONS, AND THE POOR 63 (2016), https://www.hrw.org/sites/default/files/report_pdf/us0116_web.pdf [<https://perma.cc/H43C-PCXZ>].

15. See ARIZ. COMM’N ON ACCESS TO JUST., ARIZ. SUP. CT., 2018 ANNUAL REPORT 2–3 (2018), <https://www.azcourts.gov/Portals/74/ACAJ/Annual%20Reports/ACAJAnnualReport2018.pdf?vcr=2018-11-15-150304-887> [<https://perma.cc/LRX3-N8LT>].

program also operates in Coconino County Superior Court and is currently being considered in Yuma County and Pima County as well.¹⁶

3. Assist in Shaping Procedures and Public Education Concerning Housing and Eviction-Related Issues

Cyclical economic recession, the increasing poverty population in Arizona in the twenty-first century, chronic lack of affordable housing, and a legislature-driven, accelerated eviction process has created an unavoidable legal challenge and heavily burdened eviction dockets in our state's justice courts.

The ACAJ, and its Limited Jurisdiction Self Represented Litigant Workgroup, has created legal information sheets and educational videos and works in collaboration with the executive branch, the State Bar of Arizona, the Bar Foundation, and community non-profit organizations to educate both landlords and tenants about the applicable law and court rules, and to assist SRLs in understanding court procedures and how to access free or modest-means legal services.¹⁷

4. Encourage Online Dispute Resolution Options

Many SRLs experience practical barriers to participating in their court case: they cannot take time off from work, they have transportation challenges, or childcare needs. What if those barriers were removed and a litigant could participate remotely via smart phone or computer on a 24/7 basis? An initial pilot program in several counties in Michigan demonstrated that offering an online dispute resolution (ODR) option in traffic violations, domestic relations, and small claims cases resulted in a 40% increase in SRL participation.¹⁸ After careful investigation and planning, Arizona successfully

16. See ARIZ. COMM'N ON ACCESS TO JUST., ARIZ. SUP. CT., 2020 ANNUAL REPORT 10 (2020), <https://www.azcourts.gov/Portals/74/ACAJ/Annual%20Reports/2020%20Annual%20Report%20ACAJ.pdf?ver=2021-03-11-181150-897> [<https://perma.cc/XFA2-53K2>].

17. See *Landlord/Tenant Disputes & Eviction Actions*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/selfservicecenter/Landlord-Tenant-Disputes-Eviction-Actions> [<https://perma.cc/RPE3-P3PD>].

18. See, e.g., *Get Results*, MATTERHORN, <https://getmatterhorn.com/get-results/> [<https://perma.cc/Q3PM-BUL6>]. The courts there not only documented a 40% increase in SRL participation, but also experienced more efficient dockets, and a significant increase in court revenues. *Id.*

launched pilot ODR programs in three superior courts and one municipal court.¹⁹

B. Public Education

1. AZCourtHelp.org and AZCourtCares.org

Early on, the ACAJ identified the need for a virtual, state-wide legal resource information center. With funding supplied by the Administrative Office of the Courts, tech support provided by the Bar Foundation, and content supplied by volunteer lawyers, the collaborative *AZCourtHelp.org* legal information website was created.²⁰ That website—launched in 2017 and recognized both nationally and internationally for its innovation—provides an extensive, topic-organized FAQ section, a glossary of legal terms, links to self-help resources, detailed court information and forms for every court in every county, and links to free legal service providers.²¹ The website, managed through the Coconino County Law Library and the Yuma County Law Library, is regularly updated, hosts scheduled “Legal Talks” on a variety of topics, maintains an accessible video library of legal webinars for the public, and offers a “live chat” feature that allows callers to connect with volunteer law librarians to ask questions about court procedures and access useful legal information.²²

The public’s awareness and use of this resource has exploded since its soft launch in 2017. From July 2019 through December 2020, the website was

19. See ARIZ. COMM’N ON ACCESS TO JUST., *supra* note 15, at 19; ARIZ. COMM’N ON ACCESS TO JUST., ARIZ. SUP. CT., 2019 ANNUAL REPORT 7 (2019), <https://www.azcourts.gov/Portals/74/ACAJ/Annual%20Reports/2019%20Annual%20Report%20ACAJ.pdf?ver=2019-12-24-102730-840> [<https://perma.cc/F2B2-2YUJ>]; *Alternative Dispute Resolution*, JUD. BRANCH OF ARIZ. MARICOPA CTY., <https://superiorcourt.maricopa.gov/adr/> [<https://perma.cc/9SDQ-Y5X4>]; *Welcome to ODR with Pinal County Superior Court!*, PINAL CTY. SUPERIOR CT., <https://cii2.courtinnovations.com/AZPCSC> [<https://perma.cc/9LYQ-4HJJ>]; *Conciliation Court Services*, YUMA CTY. ARIZ., <https://www.yumacountyaz.gov/government/courts/superior-court/conciliation-court> [<https://perma.cc/7847-QB2T>]; Dunrie Greiling, *Scottsdale City Court Expands Access, Launches Misdemeanor ODR*, MATTERHORN (Jan. 18, 2019), <https://getmatterhorn.com/scottsdale-city-court-expands-access-launches-misdemeanor-odr/> [<https://perma.cc/DV4T-JP8C>].

20. See AZCOURTHELP, <https://azcourthelp.org/about-us> [<https://perma.cc/XJ6Y-WEU5>]; see also ARIZ. SUP. CT., *supra* note 9, at 2–3.

21. AZCOURTHELP, *supra* note 20.

22. *Id.*

visited by 507,727 unique users, with over 1,625,000 page views.²³ In the last twelve months during the pandemic (May 2020–May 2021), the site experienced a 115% increase in new users, with an 80% increase in page views.²⁴ Cell phone usage has continued to rise and still surpasses desktop use.²⁵ Users who find *AZCourtHelp* via direct search over that 12-month period have increased by 154%, and the site’s average position on Google is now tenth in the United States.²⁶

Recognizing the need for similar legal information and resources for Arizonans and family members dealing with mental health issues, the Arizona Judicial Branch and the Arizona Bar Foundation in 2020 created *AZCourtCare.org*, a website devoted to providing legal information for families and others to assist a person with “a serious mental health disorder who is unable or unwilling to get help for themselves.”²⁷ The site explains Arizona law and options and provides forms for obtaining involuntary mental health evaluations, treatment, and emergency hospitalization for psychiatric evaluation.²⁸ It also contains links to behavioral health agencies and crisis helplines.²⁹

2. COVID-19 Related Legal Issues and Assistance

The economic impact of the COVID-19 pandemic has only exacerbated Arizona’s housing/eviction crisis. Both the Governor and the Chief Justice issued numerous executive and administrative orders concerning state and federally imposed emergency moratoriums and altered eviction-related processes, and the Judicial Branch and the Bar Foundation created pandemic-

23. See ARIZ. SUP. CT., JUSTICE FOR THE FUTURE: PLANNING FOR EXCELLENCE 2020 UPDATE 7 (2020) [hereinafter STRATEGIC AGENDA 2020 UPDATE], <https://www.azcourts.gov/Portals/0/Strategic%20Agenda/StrategicAgendaUpdate2020.pdf?ver=2021-04-15-143946-387> [<https://perma.cc/LTD6-VC8B>].

24. Cathleen Cole, Arizona Bar Foundation, Google Analytic Results Regarding *AZCourtHelp.org* (May 6, 2021) (unpublished report) (on file with author). Since its soft launch in 2017, *AZCourtHelp.org* has seen the following growth in unique users: 2017: 42,372; 2018: 164,456; 2019: 192,419; 2020: 412,471; 2021 (through the first five months): 321,962. *Id.*

25. *Id.*

26. *Id.*

27. *AZCOURTCARE*, <https://azcourtcare.org/> [<https://perma.cc/S3LT-BWK6>].

28. *Id.*

29. See *id.* In just the first few months of operation, this site had over 5,000 unique visitors and over 5,800 page views. See STRATEGIC AGENDA 2020 UPDATE, *supra* note 23, at 7.

specific websites to provide timely updates explaining those orders, mini legal-help videos, and access to revised court forms.³⁰

3. Other Self-Service and Online Resources

Redesigned and Expanded Court Self-Service Centers: The superior courts and some limited jurisdiction courts have modified or converted existing law libraries into self-service centers designed to provide information and forms for persons representing themselves in court.³¹

eAccess Online Portal: The Arizona Supreme Court has launched a web-based portal that provides unrestricted and convenient 24/7 online access to case records and documents for select superior court civil and criminal cases in all of Arizona's fifteen counties.³²

Legal Info Hub: While many of the legal resources created for SRLs can be found on individual topic search webpages, the Arizona Supreme Court created a judicial branch webpage that collects and is the central repository for Legal Info Podcasts, Legal Info Videos, Legal Info Sheets, and Legal Info FAQs.³³ These materials are also available in Spanish.³⁴

Online Protective Orders: The Arizona Protective Order Initiation and Notification Tool (AZPOINT) was launched in 2020 by the Administrative Office of the Courts in partnership with the Arizona Criminal Justice Commission.³⁵ It is an online portal designed to help individuals start a petition for an Order of Protection, an Injunction Against Harassment, or an Injunction Against Workplace Harassment. The petition can be started anywhere using internet access, and it may be filed and considered by a judge

30. See *COVID-19 Emergency Eviction Procedures and Assistance*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/selfservicecenter/Landlord-Tenant-Disputes-Eviction-Actions/COVID-19-Emergency-Eviction-Procedures-and-Assistance> [https://perma.cc/75B2-Y45M]; *COVID-19 Court and Legal Information and Resources*, AZCOURTHelp, <https://azcourthelp.org/covid-19/> [https://perma.cc/B8N3-LGXD].

31. See *Locations*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/selfservicecenter/Locations> [https://perma.cc/RHQ6-SAE9], for a county-by-county list of and links to self-service centers.

32. See *eAccess*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/eaccess/> [https://perma.cc/YYD4-Z8FH].

33. *Legal Info Hub*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/legalinfohub> [https://perma.cc/F22M-5B2W].

34. See *id.* In 2020, internet traffic to this resource continued to increase compared to previous years for both English (up 34%) and Spanish (up 24%). See STRATEGIC AGENDA 2020 UPDATE, *supra* note 23, at 2. With new content added, unique page views increased from 470 to 17,239 (English) and from 78 to 1,105 (Spanish). *Id.*

35. See AZPOINT, <https://azpoint.azcourts.gov/> [https://perma.cc/Z2LW-NL7R].

in any court in Arizona.³⁶ Once granted, the order is sent electronically to the proper law enforcement jurisdiction to be served.³⁷

State Bar Find-a-Lawyer Program: The State Bar has created an online platform that allows consumers looking for legal help to connect with lawyers willing to provide such assistance.³⁸

4. Law4AZ Public Library Project

A collaborative project in 2015 between the ACAJ, the Arizona Secretary of State, and the Arizona State Library matched volunteer law librarians with public librarians in each county for training on how to assist public library patrons in finding useful legal information.³⁹ A second phase of the project worked with participating libraries to plan on-site seminars on legal information for the public, presented by local volunteer lawyers.⁴⁰

As approved by Secretary of State Katie Hobbs and State Librarian Holly Henley, and under the direction of Coconino County Law Librarian Gretchen Hornberger, a 2.0 version of the project is expected to launch in 2022.⁴¹ Training materials are being updated and additional webinars are being planned for county-by-county presentations.⁴² In connection with this reboot, Secretary of State Hobbs initiated a partnership with Cisco Systems to provide consistent broadband coverage to Arizona's rural county libraries to facilitate the project and allow rural residents to connect with expert legal information and assistance from the state's urban legal centers.⁴³

36. *See id.*

37. *See id.*

38. For more information, go to *Find-a-Lawyer*, STATE BAR OF ARIZ., <https://www.azbar.org/for-the-public/legal-help-education/find-a-lawyer/> [<https://perma.cc/47V8-LXPG>].

39. *Law4AZ*, THE SHINING S.T.A.R.L: BLOG OF THE STATE OF ARIZ. RSCH. LIBR., <https://statelibraryofarizona.wordpress.com/law4az/> [<https://perma.cc/6YEL-K775>].

40. *See id.*

41. *See* Holly Henley, *LSTA 2020 Snapshot*, ARIZ. STATE LIBR., ARCHIVES, AND PUB. RECS. (2020), https://azlibrary.gov/sites/default/files/libdev_2020_snapshot_v2.pdf [<https://perma.cc/5QXR-3W6C>]; ARIZ. COMM'N ON ACCESS TO JUST., ARIZ. SUP. CT., *supra* note 16, at 12.

42. ARIZ. COMM'N ON ACCESS TO JUST., ARIZ. SUP. CT., *supra* note 16, at 12.

43. *See* Press Release, Doug Ducey, Governor, State of Arizona, Cisco to Install Public WiFi at Arizona Libraries (May 5, 2020), <https://goyff.az.gov/news/cisco-install-public-wifi-arizona-libraries> [<https://perma.cc/3X9P-SDYK>]; *see also* ARIZ. COMM'N ON ACCESS TO JUST., ARIZ. SUP. CT., *supra* note 16, at 12.

5. Community Presentations

Since its inception, ACAJ members have continued to participate in community legal needs forums and regularly make presentations to community groups and civic, non-profit, and faith-based organizations on civil legal challenges facing Arizona's at-risk population, the need for meaningful access to civil justice, and available legal resources.⁴⁴

6. Promote Awareness of Bar Foundation Specialty Legal Information Websites

The Arizona Bar Foundation has created and maintained the following specialty legal information websites, with user traffic statistics for July 2019 through December 2020:⁴⁵

Law for Kids: Provides questions and answers about how the law impacts kids, with educational materials and links to additional resources.⁴⁶

Law for Seniors: Relevant legal information and resources for seniors.⁴⁷

Law for Veterans: A versatile site with information about housing, benefits, and other legal issues most relevant to veterans, with links to important resources such as legal aid, veterans' courts, clinics, and mentor/advocate services.⁴⁸

AZ Law Help: A multi-faceted site with the ability for users to apply for legal aid assistance, to ask a legal question online with answers provided by volunteer lawyers, and that provides links to additional legal information and resources.⁴⁹

7. COVID-19 Legal Hotline

In collaboration with the State Bar of Arizona and with funding provided by the Judicial Branch, the Bar Foundation worked with law students and staff to screen phone calls concerning COVID-related legal issues dealing

44. See ARIZ. COMM'N ON ACCESS TO JUST., ARIZ. SUP. CT., *supra* note 16, at 23.

45. See STRATEGIC AGENDA 2020 UPDATE, *supra* note 23, at 7.

46. LAW FOR KIDS.ORG, <https://lawforkids.org> [<https://perma.cc/6PSJ-TCZD>]; STRATEGIC AGENDA 2020 UPDATE, *supra* note 23, at 7 (noting 204,534 unique users and over 614,000 page views).

47. LAW FOR SENIORS, <https://www.lawforseniors.org> [<https://perma.cc/3FG6-QCGV>]; STRATEGIC AGENDA 2020 UPDATE, *supra* note 23, at 7 (noting 70,781 unique users and over 104,000 page views).

48. LAW FOR VETERANS, <https://lawforveterans.org> [<https://perma.cc/4LRJ-77J4>]; STRATEGIC AGENDA 2020 UPDATE, *supra* note 23, at 7 (noting 126,997 unique users and over 199,000 page views).

49. AZ LAW HELP, <https://www.azlawhelp.org> [<https://perma.cc/3DFS-SSSB>].

with employment, housing, family and benefits issues, and connected appropriate callers with volunteer lawyers for free consultations.⁵⁰ Over the course of several months in 2020–21, over 3,000 Arizonans had the benefit of such free legal assistance.⁵¹

C. Educate Judicial Officers and Staff

1. Revised and Expanded Handbook for Judicial Branch Employees Regarding Legal Information vs. Legal Advice

Per the Arizona Code of Judicial Conduct and the Arizona Code of Conduct for Judicial Employees, the judiciary and its staff may provide legal information but may not provide legal advice to members of the public, including self-represented litigants.⁵² In an effort to assist court employees in recognizing the difference and to encourage the providing of helpful legal information, the ACAJ in 2015 significantly revised and expanded an existing Arizona Supreme Court reference handbook for court personnel, “Q & R Handbook: How to Respond to Common Questions Asked by Court Customers.”⁵³

2. Presentations About Access to Justice Issues and Recommendations at Judicial Leadership Meetings, State Judicial Conferences, and Continuing Education Programs

Members of ACAJ regularly make presentations to the Arizona Judicial Council, to the state’s Presiding Judges, at annual state judicial conferences and at other bench/bar meetings.⁵⁴

50. See ARIZ. COMM’N ON ACCESS TO JUST., ARIZ. SUP. CT., *supra* note 16, at 4.

51. *Id.* at 19.

52. ARIZ. CODE OF JUD. CONDUCT r. 3.10 (ARIZ. SUP. CT. 2009); ARIZ. CODE OF CONDUCT FOR JUD. EMPS. § 1-303, r. 2.6 (ARIZ. SUP. CT. 2010).

53. See ARIZ. SUP. CT., Q&R HANDBOOK: HOW TO RESPOND TO COMMON QUESTIONS ASKED BY COURT CUSTOMERS 3–5, <https://www.acraonline.org/resources/Documents/Q%20and%20R%20Handbook%202-16-16.pdf> [<https://perma.cc/A5E2-84LP>]. When AZCourtHelp.org was created, most of the information contained in the Handbook was incorporated into that site and the specific topic titles contained on the “FAQ” page. See *Frequently Asked Questions*, ARIZ. BAR FOUND., <https://azcourthelp.org/faq> [<https://perma.cc/NH93-E3RM>].

54. ARIZ. COMM’N ON ACCESS TO JUST., ARIZ. SUP. CT., *supra* note 16, at 23.

3. Input Concerning Eviction Procedures and Moratorium Compliance During COVID-19 Pandemic

ACAJ members work with other judicial branch leaders to provide detailed input and “best practice” recommendations concerning revised judicial administrative orders and periodic/updated state-wide training materials for justices of the peace and other judicial officers to consider in implementing ever-changing federal and state mandates.⁵⁵

D. Encourage Providing Pro Bono Services and Financial Support for Civil Legal Aid

1. Attorney Education and Pro Bono Recruitment

In collaboration with Arizona’s legal aid providers,⁵⁶ ACAJ members have made multiple presentations directly to private law firms, state and local public law agencies, the State Bar of Arizona, and various county and special bar associations concerning the need for and opportunities to provide full and limited scope civil pro bono legal services for Arizona’s at-risk populations.⁵⁷

2. Volunteer Pro Bono Portal and Modest Means Panel

The Arizona Bar Foundation and the State Bar Legal Service Steering Committee have created a state-wide website that offers Arizona attorneys a one-stop portal identifying volunteer pro bono opportunities offered by several different organizations within Arizona.⁵⁸ Additionally, the Foundation and the State Bar have collaborated to create a “modest means”

55. *Id.* at 18.

56. Arizona has three civil legal aid agencies that receive grants from the federal government via the Legal Service Corporation: Community Legal Services, <https://clsaz.org/> [<https://perma.cc/47BE-E9RY>]; Southern Arizona Legal Aid, <https://www.sazlegalaid.org/> [<https://perma.cc/85KG-D7ZW>]; and DNA People’s Legal Services, <https://dnalegalservices.org/> [<https://perma.cc/P4HE-DZEJ>].

57. The Arizona Supreme Court previously approved and revised Ethical Rule 1.2 in 2003, allowing Arizona lawyers to agree to offer limited scope legal representation. *See* ARIZ. R. SUP. CT. 42, ER 1.2(c), <https://casetext.com/rule/arizona-court-rules/arizona-rules-of-the-supreme-court/regulation-of-the-practice-of-law/lawyer-obligations/rule-42-arizona-of-professional-conduct/client-lawyer-relationship/rule-er-12-scope-of-representation-and-allocation-of-authority-between-client-and-lawyer> [<https://perma.cc/REW4-HQWP>].

58. *See Arizona Pro Bono Portal*, ARIZ. FOUND. FOR LEGAL SERVS. & EDUC., <https://probono.azbf.org/> [<https://perma.cc/NXP3-GUBJ>].

panel of volunteer attorneys who agree to provide a \$75 initial one-hour consultation with individuals who do not qualify for free civil legal services.⁵⁹

3. In-House Corporate Counsel Pro Bono Commission

The Commission continues to assist the Arizona chapter of the Association of Corporate Counsel in its implementation of a pro bono program available to its members.⁶⁰ Volunteer legal services provided by in-house counsel range from participating in the “Wills for Heroes” project, to providing civic education in schools and community events, providing mediation services in small business litigation, to offering start-up legal assistance for entrepreneurs.⁶¹

4. Ethical Rule Revisions to Encourage Pro Bono Services

ACAJ members helped draft and supported revisions to Ethical Rule 38, adopted by the Arizona Supreme Court in 2020, creating incentives for retired and inactive lawyers to volunteer civil pro bono legal services under the direction of a qualified legal aid organization.⁶²

5. Meet with Elected Officials Regarding Need for Adequate Funding for Civil Legal Aid

Along with representatives of the State Bar, the Bar Foundation, and other interested Arizona lawyers, ACAJ members in collaboration with the American Bar Association meet each year with Arizona’s elected federal representatives to discuss the need for adequate civil legal aid services and advocate for continuing and enhanced Congressional funding for the Legal Service Corporation.⁶³

59. See *Modest Means Project*, ARIZ. FOUND. FOR LEGAL SERVS. & EDUC., <https://www.azflse.org/modestmeans/> [<https://perma.cc/ZQ4Q-GCLN>].

60. See Ariz. Chapter, *In-House Counsel Pro Bono Commission*, ASS’N OF CORP. COUNS., <https://www.acc.com/chapters-networks/chapters/arizona/pro-bono-> [<https://perma.cc/AW2T-MRZD>].

61. *Id.*

62. See ARIZ. R. SUP. CT. 38(d).

63. See, e.g., Testimony of Patricia Lee Refo, President, Am. Bar Ass’n, to the U.S. House of Representatives Comm. on Appropriations, Subcomm. on Com., Just., Sci. & Related Agencies (Apr. 28, 2021), https://www.americanbar.org/content/dam/aba/administrative/government_affairs_office/house-testimony-lsc-fy22.pdf [<https://perma.cc/JWA2-SYD7>] (advocating support for the Legal

6. Promotion of Arizona State Income Tax Credit

In every public presentation, ACAJ members discuss the availability of an Arizona state income tax credit for donations made to qualifying non-profit organizations that provide free legal services to Arizona's at-risk populations.⁶⁴ Additionally, a series of web-based informational videos and other promotional materials have been created that discuss and encourage such donations.⁶⁵ To date, these efforts have helped raise hundreds of thousands of dollars for Arizona's legal aid organizations.⁶⁶

E. Collaboration with the Executive Branch

Key national studies and data indicate that having access to legal aid:

- reduces barriers to employment for individuals with a criminal record;
- helps keep families together and out of the child welfare system;
- improves housing outcomes;
- assists domestic violence victims;
- assists survivors of elder abuse;
- helps keep kids in school;
- helps those affected by the opioid crisis; and
- helps individuals with disabilities, survivors of human trafficking, veterans, and consumers.⁶⁷

Services Corporation); *see also* Amer. Bar Ass'n, Gov. Affs. Off., *Advocate for Important Issues by Engaging Congress Online at ABA Day 2021*, ABA J. (Apr. 1, 2021), <https://www.abajournal.com/magazine/article/advocate-for-important-issues-by-engaging-congress-online-and-at-home> [<https://perma.cc/R6ZE-NTTN>].

64. *See Contributions to QCOs and QCFOs*, ARIZ. DEP'T OF REVENUE, <https://azdor.gov/tax-credits/contributions-qcos-and-qfcos> [<https://perma.cc/8CRK-DQ5D>].

65. *See, e.g.,* State Bar of Ariz., *Helping the Legal Poor Tax Credit*, YOUTUBE (Nov. 4, 2014), <https://www.youtube.com/watch?app=desktop&v=bgzD0U3yqEE&feature=youtu.be> [<https://perma.cc/RR3R-9ANE>]; ARIZ. COMM'N ON ACCESS TO JUST., ARIZ. SUP. CT., *Advancing Justice Together* (2016), <https://www.azcourts.gov/Portals/74/ACAJ/Resources/FINALTaxVideoJune.mp4> [<https://perma.cc/SH3G-LRRT>]; ARIZ. COMM'N ON ACCESS TO JUST., ARIZ. SUP. CT., *Support Access to Justice Through the Arizona Charitable Tax Credit*, <https://www.azcourts.gov/Portals/74/ACAJ/Resources/TaxCreditFlyer20172018.pdf> [<https://perma.cc/3Y2L-L6X4>].

66. ARIZ. COMM'N ON ACCESS TO JUST., ARIZ. SUP. CT., *supra* note 16, at 16.

67. For a collection of studies and data, see *Legal Aid Research*, NAT'L LEGAL AID & DEF. ASS'N, <https://legalaidresearch.org> [<https://perma.cc/77RE-U6Y7>]; U.S. DEP'T OF JUST., LEGAL AID INTERAGENCY ROUNDTABLE TOOLKIT (Apr. 2014), <https://www.justice.gov/atj/file/450451/download> [<https://perma.cc/5X5T-V5QP>].

During President Obama's term of office, he created the Legal Aid Interagency Roundtable (LAIR), directing that the various federal agencies that provide services and benefits to the poverty population meet regularly, exchange relevant information and identify the availability of existing federal funds that could be utilized to support legal aid services for constituents of these agencies.⁶⁸ During this same time, the U.S. Department of Justice established an Access to Justice (ATJ) Office within that department.⁶⁹ Working together, the ATJ office and LAIR created an efficient system that confirmed the need for and funded such legal aid services, not only providing direct assistance to the agency's constituents, but also helping each such agency fulfill its publicly announced mission statement of constituent service.⁷⁰

Providing funding for civil legal aid is good common sense for local and state governments. Here in Arizona, independent data analysis has demonstrated that every dollar invested in legal aid services returns almost seven dollars to the community in the form of reduced government expenses for emergency food, shelter, health care and public safety, and/or increased revenue realized as a result of individuals keeping their jobs and families being able to stay in their homes, pay taxes, and otherwise spend money to the benefit of the local economy.⁷¹

The Arizona Judiciary and the Executive Branch already have a history of success in this regard. A good example is the Arizona Domestic Violence Legal Assistance Project, a collaboration between the Department of Economic Security, the Bar Foundation, the State Bar, legal aid agencies, and volunteer lawyers.⁷² That project, now in place for over 20 years, utilizes trained lay legal advocates, working in domestic violence shelters under the

68. See Press Release, President Barack Obama, Presidential Memorandum—Establishment of the White House Legal Aid Interagency Roundtable (Sept. 24, 2015), <https://obamawhitehouse.archives.gov/the-press-office/2015/09/24/presidential-memorandum-establishment-white-house-legal-aid-interagency> [<https://perma.cc/T3F9-KRZB>].

69. See *Access to Justice*, U.S. DEP'T OF JUST., <https://www.justice.gov/archives/atj> [<https://perma.cc/CFN4-8BHC>].

70. U.S. DEP'T OF JUST., FIRST ANNUAL REPORT OF THE WHITE HOUSE LEGAL AID INTERAGENCY ROUNDTABLE [hereinafter LEGAL AID INTERAGENCY ROUNDTABLE REPORT] 10 (Nov. 2016), <https://www.justice.gov/atj/page/file/913981/download> [<https://perma.cc/285K-E9VC>].

71. CMTY. SERVS. ANALYSIS, LLC, ARIZ LEGAL AID SERVICES: SOCIAL RETURN ON INVESTMENT ANALYSIS 7 (Jan. 28, 2013), <https://www.azflse.org/download.cfm?filename=CSACO%20SROI%20Report%20reduced&type=pdf&loc=azflse> [<https://perma.cc/FM5K-NJ8K>].

72. See Eileen Brill Wagner, *Domestic Violence Legal Assistance Gets \$1 Million*, PHX. BUS. J. (Sept. 17, 2000, 9:00 PM), <https://www.bizjournals.com/phoenix/stories/2000/09/18/newscolumn2.html> [<https://perma.cc/J5KU-JXAD>].

supervision of legal aid lawyers, and provides legal assistance to thousands of Arizonans in a desperate situation.⁷³ Having that legal help is the biggest factor in achieving safety and avoiding recurrent domestic violence incidents.⁷⁴ The Arizona Supreme Court recently approved a pilot program that qualifies these lay legal advocates to become licensed legal document preparers and to further assist victims at related court hearings.⁷⁵

Another more recent collaboration resulted in agreements to access and distribute in excess of \$11 million in Title IV-E federal funds to Arizona counties.⁷⁶ That funding was used to:

- Help pay for indigent defense attorneys located in neighboring counties;
- Increase social/caseworker positions from halftime to full-time;
- Relaunch the Supreme Court's Dependency Case Processing Initiative. This program involves intensive meetings outside of court hearings to engage parents in the case plan;
- Develop educational podcasts for attorneys;
- Create a Team Based Parent Representation Program;
- Add social workers to the representation team to help parents navigate the system, obtain needed and required services; and
- Increase compensation for contract attorneys to reduce caseloads.⁷⁷

Assisting victims of domestic violence and facilitating payment of child support are just two areas where there are existing federal grants approved or available to Arizona that, if utilized in part for civil legal aid, can greatly advance access to meaningful civil justice in the state.⁷⁸ As previously noted, such funding is also available to assist:

- The homeless population;
- Victims of elder abuse;
- Veterans;
- Victims and families affected by the opioid crisis; and
- Incarcerated Arizonans to successfully reenter the community and reduce recidivism.⁷⁹

Governor Ducey has established a number of task forces to consider several of these issues, including reentry and recidivism, homelessness,

73. See *id.*; see also *Domestic Violence Legal Assistance Project*, ARIZ. BAR FOUND., <https://azbf.org/domestic-violence-legal-assistance-project> [<https://perma.cc/C7XA-5C3G>].

74. See LEGAL AID INTERAGENCY ROUNDTABLE REPORT, *supra* note 70, at 8.

75. See STRATEGIC AGENDA 2020 UPDATE, *supra* note 23, at 3.

76. *Id.* at 4.

77. *Id.*

78. See LEGAL AID INTERAGENCY ROUNDTABLE TOOLKIT, *supra* note 67.

79. See *id.*

domestic violence, assisting victims of the opioid crisis, and assisting veterans.⁸⁰ ACAJ members continue to advocate with the Governor's office and select state agencies, and to explore policy and federal funding opportunities to provide civil legal aid to constituents affected by these issues.

III. TODAY'S CHALLENGES

"This Nation was founded on the ideal of equal justice under the law. Everyone in this country should be able to vindicate their rights and avail themselves of the protections that our laws afford on equal footing. Whether we realize this ideal hinges on the extent to which everyone in the United States has meaningful access to our legal system. Legal services are crucial to the fair and effective administration of our laws and public programs, and the stability of our society.

...

*According to a 2017 study by the Legal Services Corporation, low-income Americans receive inadequate or no professional legal assistance with regard to over 80 percent of the civil legal problems they face in a given year. All too often, unaddressed legal issues push people into poverty."*⁸¹

- President Joseph R. Biden, Jr.

A. The Work Ahead

The following represent only a few of the potential topics to be considered as the ACAJ and its partners proceed with their work.

80. See, e.g., Executive Order, Douglas A. Ducey, Governor, State of Arizona, Rescinding Previous Executive Orders and Sunsetting Various Boards and Commissions (Jan. 13, 2020), https://azgovernor.gov/sites/default/files/eo_2020-01_1_website.pdf [<https://perma.cc/QJ5Y-P4QU>]; News Release, Office of the Governor Doug Ducey, Governor Doug Ducey Appoints Substance Abuse Task Force (Feb. 23, 2016), <https://azgovernor.gov/governor/news/2016/02/governor-doug-ducey-appoints-substance-abuse-task-force> [<https://perma.cc/V424-NN2E>].

81. Memorandum on Restoring the Department of Justice's Access-to-Justice Function and Reinvigorating the White House Legal Aid Interagency Roundtable, President Joseph R. Biden, Jr., § 1 (May 18, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/05/18/memorandum-on-restoring-the-department-of-justices-access-to-justice-function-and-reinvigorating-the-white-house-legal-aid-interagency-roundtable/> [<https://perma.cc/5TD4-RY85>].

1. Create Statewide Broadband Access

During the pandemic, state and local courts, and government agencies all demonstrated flexibility and capacity to allow remote participation in contested matters. And, if anything, allowing remote access significantly increased SRLs' ability to participate in the resolution of such matters. Establishing broadband coverage on a priority basis across all rural areas is critical. Such service will allow at-risk Arizonans and SRLs to access valuable legal information available on the web and allow for virtual consultation with and/or limited scope representation by volunteer lawyers who do not practice in that community but specialize in the particular legal issue affecting that client.

2. Consider Placing Legal Paraprofessionals/Navigators in All Courts and Critical Government Agencies

There are any number of state agencies in Arizona whose constituents face legal challenges in accessing the critical services and benefits offered by that agency, e.g., Department of Economic Security, Department of Housing, Department of Corrections, Department of Health & Human Services, and so on. Many of those constituents are trying to navigate that administrative system by themselves. Advocates have argued that the same type of "best practices" adopted for SRLs in court should be implemented in agency proceedings.⁸² Given the significance of the services or benefits at issue and the deferential standard of review by courts concerning appeals from agency decisions, an individual who is unsuccessful at the administrative level is pretty much out of luck. It seems intuitive that having access to legal assistance at the administrative level would significantly improve the chance for a successful outcome, either by negotiated resolution or advocacy on the merits before the tribunal.

As the Supreme Court's program to train and license legal paraprofessionals (LPs) proceeds, consideration should be given to utilizing a combination of state or federal funding, or non-profit foundation grants to embed LPs and/or agency navigators in our courthouses and in critical

82. See generally Richard Zorza, *Self-Represented Litigants and the Access to Justice Revolution in the State Courts: Cross-Pollinating Perspectives Toward a Dialogue for Innovation in the Courts and the Administrative System*, 29 J. NAT'L ASS'N ADMIN. L. JUDICIARY 63 (2009); *Civil Legal Aid 101*, U.S. DEP'T OF JUST. (Nov. 20, 2020), <https://www.justice.gov/lair/file/828346/download> [<https://perma.cc/5VGQ-2DVZ>]; *Civil Legal Aid 101: What Is Legal Aid and How Can It Help Me?*, KAN. LEGAL SERVS., <https://www.kansaslegalservices.org/node/1963/civil-legal-aid-101-what-legal-aid-and-how-can-it-help-me> [<https://perma.cc/K8Y9-APCC>].

government agencies that provide services and/or benefits to Arizona's at-risk populations. Such legal assistance could be free for Arizona's poverty population, and available at a reduced hourly or task-related flat fee for those of modest means.

3. Expand ODR in Limited Jurisdiction, Municipal, and Traffic Courts

To an overwhelming percentage, the most important judicial work and service to the community is provided by our limited jurisdiction courts. Nearly 90% of the population that encounters the legal system does so in these courts.⁸³ It is a traffic ticket, an injunction against harassment by a neighbor, an order of protection, a consumer debt action, or a criminal misdemeanor prosecution that likely brings the typical Arizonan into a court.

As previously noted, Arizona is currently piloting ODR projects in three superior courts (Maricopa, Pinal, and Yuma) and one municipal court (Scottsdale).⁸⁴ Consideration should be given to expanding ODR to other limited jurisdiction courts dealing with civil traffic and debt collection matters. Creating a system that allows SRLs to engage in online dispute resolution would likely reduce or eliminate barriers created by employment conflict, lack of transportation, and childcare needs, be a more efficient way to resolve traffic-related and consumer debt cases, and, more likely than not, increase court revenues through more timely on-line payment options.⁸⁵

4. Create Dedicated Housing Courts in Coconino, Maricopa, Pinal, and Pima Counties

The ACAJ might consider proposing a collaboration involving the judicial branch, the legislature, the Department of Housing, the Arizona Multihousing Association, and non-profit community foundations to create and coordinate uniform dedicated housing programs in the state's urban and housing-challenged counties. These centers could provide housing education and other social services, such as facilitating short-term rental assistance or other

83. *Court Annual Case Activity*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/Portals/39/2020DR/SWCaseActivityF20.pdf?ver=2021-08-16-175333-577> [<https://perma.cc/2JPR-N5G3>].

84. Dunrie Greiling, *Arizona Expands ODR for Misdemeanor Cases*, MATTERHORN (May 18, 2021), <https://getmatterhorn.com/arizona-expands-odr-for-misdemeanor-cases/> [<https://perma.cc/XPZ6-PLZ>].

85. *See Get Results*, *supra* note 18.

eviction diversion options, including mediating non-rent related landlord-tenant disputes.⁸⁶

5. Focus on Legal Assistance, Court Procedures, and Alternatives for Consumer Debt Actions

Consumer debt can set a person down a path that derails their economic mobility, their financial well-being, and even their physical health. Debt collection actions constitute a significant percentage of all civil litigation filed in this state.⁸⁷ In a large percentage of those cases, the defendant debtor does not appear, resulting in a default judgment, which in turn can trigger collateral legal proceedings and a chain reaction of unfavorable consequences.⁸⁸ For those defendants who appear, most are unrepresented.

The ACAJ and its Limited Jurisdiction Self-Represented Litigant work group is already hard at work considering potential rule changes and preparing Legal Info Sheets, FAQs, and informational video presentations on Arizona consumer debt issues.⁸⁹ As previously noted, debtors who are represented by a lawyer or an LP, or who at least have access to a lay legal

86. Arizona's Department of Housing currently has a rental assistance and eviction prevention program. See *Rental Assistance & Eviction Prevention Programs*, ARIZ. DEP'T OF HOUS., <https://housing.az.gov/general-public/rental-assistance-resources-eviction-prevention> [https://perma.cc/EB4E-BZ9P]. The City of Phoenix operates Family Service Centers that offer emergency housing-related services. See *Emergency Assistance*, CITY OF PHX., <https://www.phoenix.gov/humanservices/programs/emergency> [https://perma.cc/G75P-9Z2X]. The City of Tucson and Pima County also have an eviction prevention/emergency rent and utility assistance program. See *Eviction Prevention/Emergency Rent and Utility Assistance Funds Available*, CITY OF TUCSON, <https://www.tucsonaz.gov/home/announcement/eviction-prevention-emergency-rent-and-utility-assistance-funds-available> [https://perma.cc/TQ7T-E8VX]. The National Center for State Courts has collected data on other jurisdictions' existing eviction diversion programs. See *Eviction Diversion Programs*, NAT'L CTR. FOR STATE CTS. (Aug. 12, 2020), <https://www.ncsc.org/information-and-resources/trending-topics/trending-topics-landing-pg/eviction-diversion-programs> [https://perma.cc/SQQ4-EJCT]. New York City has a comprehensive Housing Court that deals with both commercial and residential housing matters, and has a navigator program in place to assist SRLs. See *New York City Housing Court*, N.Y. STATE UNIFIED CT. SYS., <https://www.nycourts.gov/courts/nyc/housing/> [https://perma.cc/AJ4D-GD73]; *Housing Navigators*, N.Y. HOUS. RES. CTR. FOR PEOPLE WITH INTELL./DEVELOPMENTAL DISABILITIES, https://nyhrc.org/Housing_Navigators [https://perma.cc/EM76-QXQD].

87. See PEW CHARITABLE TRS., *supra* note 14, at 10.

88. John Skiba, *Arizona's Default Judgment Problem*, CONSUMER WARRIOR BY JACKSON WHITE (Jan. 9, 2016), <https://skibalaw.com/arizonas-default-judgment-problem/> [https://perma.cc/4QQ9-RZ42] (stating that over 95% of junk debt buyer collection lawsuits end in a default judgment).

89. See ARIZ. COMM'N ON ACCESS TO JUST., ARIZ. SUP. CT., *supra* note 19, at 10.

advocate and/or knowledgeable social service providers, would likely fare better in the process and ultimate outcome.

Additionally, ACAJ member Stacy Butler is leading the University of Arizona's Innovation for Justice project which, along with national partners, is working specifically on access to justice tools to reform medical/hospital debt collection actions, which account for more than half of all debt collection activity.⁹⁰

6. Work to Increase Community Collaboration, Including Faith-based Organizations and the Business Community

More can be done to educate and engage all aspects of the greater Arizona community on access to justice issues, including faith-based organizations and business leaders. Tennessee has created a faith and justice alliance project that educates church communities about access to justice issues, and through a partnership with non-profit organizations, legislatures, the judiciary, and legal service providers, utilizes statewide meetings, mailings, and network support to raise awareness and solicit support.⁹¹ Additionally, the alliance hosts free law clinics and legal trainings across the state.⁹²

It goes without saying that supporting access to civil justice initiatives is good for the community and good for economic development.⁹³ ACAJ members have in the past made presentations to and met with business leaders on the work of the Commission and partnership opportunities, and these connections should be renewed and expanded.⁹⁴

90. See INNOVATION FOR JUST., UNIV. OF ARIZ. JAMES E. ROGERS COLL. OF L., DECEMBER 2020 INTERIM REPORT: LEVERAGING THE UTAH SANDBOX TO ADVANCE LEGAL EMPOWERMENT FOR UTAH COMMUNITY MEMBERS EXPERIENCING MEDICAL DEBT (2020), https://docs.google.com/presentation/d/1Zkpb_Sq-xbmTFGQrs5nApmi9IBoa46flWHTg7Zp4DXo/edit#slide=id.p [<https://perma.cc/LUC6-CTFT>].

91. See *Justice for All: The Tennessee Faith & Justice Alliance, An Initiative of the Tennessee Supreme Court Access to Justice Commission's Faith-Based Committee*, TENN. FAITH & JUST. ALL., <https://www.justiceforalltn.com/sites/default/files/Revised%20TFJA%20Flyer%20June%202018.pdf> [<https://perma.cc/WMZ5-B5YH>].

92. *Id.*

93. See MAHA JWEIED, NAT'L LEGAL AID & DEF. ASS'N., POLICY BRIEF: ACCESS TO JUSTICE IS GOOD FOR BUSINESS (2019), [https://www.nlada.org/sites/default/files/NLADAPolicyBrief-AccesstoJusticeisGoodforBusiness\(July.2019\).pdf](https://www.nlada.org/sites/default/files/NLADAPolicyBrief-AccesstoJusticeisGoodforBusiness(July.2019).pdf) [<https://perma.cc/H2R3-52YR>].

94. See, e.g., ARIZ. COMM'N ON ACCESS TO JUST., ARIZ. SUP. CT., *supra* note 15, at 20.

7. Establish Meaningful State Financial Support for Legal Aid

Funding for Arizona's legal aid agencies is largely dependent on Congressional funding via the Legal Services Corporation (LSC) and Interest on Lawyer Trust Accounts. Neither source is constant or predictably reliable. Since the 1980s, the issue of federal support for legal aid and LSC funding has been a political issue.⁹⁵ Depending on which party is in control, the discussion fluctuates between (1) abolishing all federal funding for legal aid which, after heated debate, only results in static funding that approximates the funding provided in the mid-1980's, or (2) supporting LSC's latest budget funding request of \$1 billion, which fairly reflects the cost in today's dollars of providing civil legal aid desperately needed by the millions of citizens who qualify for such representation.⁹⁶

IOLTA funds are even more volatile. Interest rates during the last recession and for several years thereafter hovered just above zero, resulting in a precipitous drop in such revenue stream.⁹⁷

As previously noted, community-based investment in civil legal aid produces a significant and measurable financial return to the community in the form of reduced expenses and increased revenues. Access to justice reform measures and programs enhance the state's ability to attract and keep profitable businesses. Every branch of government should support predictable, stable financial support for civil legal aid services.

IV. CONCLUSION

Governor Douglas A. Ducey recently proclaimed that Arizona is committed to "the goal of equal access to justice for all" and recognizes "it is important to secure to all persons, particularly those with limited financial resources, professional legal help and meaningful access to the courts,

95. See ALAN HOUSEMAN & LINDA E. PERLE, SECURING EQUAL JUSTICE FOR ALL: A BRIEF HISTORY OF CIVIL LEGAL ASSISTANCE IN THE UNITED STATES 29–33 (2018), https://www.clasp.org/sites/default/files/publications/2018/05/2018_securingequaljustice.pdf [<https://perma.cc/B32Q-EPVJ>].

96. See *id.*; Marilyn Odendahl, *Left Out of COVID Relief, Legal Services Corp. Prepares \$1B Budget Request*, IND. LAW. (Mar. 22, 2021), <https://www.theindianalawyer.com/articles/left-out-of-covid-relief-legal-services-corp-prepares-1b-budget-request> [<https://perma.cc/CX2W-BJ85>].

97. See Robert J. Derocher, *The IOLTA Crash: Fallout for Foundations*, AM. BAR ASS'N: BAR LEADER (2012), https://www.americanbar.org/groups/bar_services/publications/bar_leader/2012_13/904october904r_october/iolta_crash_fallout_foundations/ [<https://perma.cc/L8GA-ZL25>].

thereby creating meaningful opportunities to preserve families, protect victims of crime, and uphold protection for all under the law.”⁹⁸

Ensuring meaningful access to our courts and facilitating participation of all Arizonans in their civil legal disputes are achievable goals. There is no other acceptable option, considering what is at stake. The goal here is not for any branch of government to put its thumb on the scale for any litigant, but rather to level the playing field to the extent possible so that victims’ rights are protected, and issues concerning housing, employment, consumer debt and access to government benefits and services are fairly considered on the merits. With the continuing support of our Supreme Court and under the direction of Judge Samuel Thumma, the Arizona Commission for Access to Justice will continue to explore and propose new ideas to help achieve these goals for all Arizonans.

98. Proclamation from Governor Douglas A. Ducey, State of Arizona (Mar. 26, 2021), <https://www.azcourts.gov/Portals/74/ACAJ/Resources/Proclamation%202021%20AJ%20Month.pdf?ver=2021-04-06-161230-033> [<https://perma.cc/M8JH-LCUJ>] (denominating April 2021 as Access to Justice Month).